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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,952	01/26/2004	Hideo Kato	G121-082US	9310
21706 7590 11/12/2008 NOTARO & MICHALOS P.C. 100 DUTCH HILL ROAD SUITE 110 ORANGEBURG, NY 10962-2100				
EXAMINER				
PEACHES, RANDY				
ART UNIT		PAPER NUMBER		
2617				
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11/12/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/764,952

Applicant(s)

KATO, HIDEO

Examiner

RANDY PEACHES

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 and 22 is/are allowed.
- 6) ☒ Claim(s) 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Applicant's specification and drawings are silent as to the language of claim 19, i.e. *"...to the second member at a position so that the two pairs of hinge devices overlap each other while the first and second members are closed"*.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsugane et al. (U.S. Patent Number 5,657,370) in view of Johnson et al. (U.S. Patent

Application Number 2002/0132633 A1) in further view of Boesen (U.S. Patent Number 6,542,721 B2).

Regarding **claim 16**, Tsugane et al. discloses a slide mechanism, see FIGURE 3A-D, to connect the 1st housing (1), which reads on claimed "first member," and a 2nd housing (2), which reads on claimed "second member," a formed separately from each other to be slidable in one direction to form a closed state in which the said 1st housing (1) and the said 2nd housing overlap one another, and to form an opened state in which the top face of either member is exposed, said slide mechanism comprising:

- a slider (8), which reads on claimed "a pair of a hinge device," provided with a guide grooves (7) attached on both sides, which reads on claimed "guide member," to be exposed and moveably forwardly and backwardly by being biased slidably in one direction. See column 4 lines 18-37 and FIGURE 3B;
- a guide groove (7) provided on both sides of the other one of the first and second member, to the said guide grooves (7) of the said slider (8) in an engaged state. See FIGURE 3B;
- a recessed portion (9) provided on each said groove to receive and lock each guide groove of the said slider (8) at a selected position. See column 4 lines 38-47; and

However, Tsugane et al. fails to clearly disclose wherein each hinge device is composed of a hinge case provided with a turn stopper and inserted in setting holes of both sides of said one of the first and second members, a ball bearing slidably and

rotatably mounted to one side of said hinge case in an engaging condition with said guide grooves, a receiver being slidably inserted in said hinge case for receiving said ball bearing, and resilient means interposed between said hinge case and said receiver.

Johnson et al. teaches in paragraphs [0029 and 0032] wherein two distinct pair of hinges (35) are used for sliding a member of the device. See FIGURE 5.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Tsugane et al. to include Johnson et al. in order to have a device capable of being slidable and rotatable around a pair of hinged devices.

However, the combination of Tsugane and Johnson fails to clearly state wherein a resilient mean provided in said hinge case adapted to urge the ball bearing into the engaging condition with said guide groove.

Boesen teaches in FIGURE 12 where 4 ball bearings (104) are represented, in addition to a groove guide capable of guiding the bearing when the device is folded

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combined teaching of Tsugane et al. and Johnson et al. to included Boesen in order to have a device capable of being slidable and rotatable around a pair of hinged devices.

2. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Tsugane et al. (U.S. Patent Number 5,657,370) , Johnson et al. (U.S. Patent Application Number 2002/0132633 A1) , Boesen (U.S. Patent Number 6,542,721 B2) in further view of Hansen et al. (U.S. Patent Number 6,370,362 B1).

Regarding **claim 17**, as the combination of Tsugane et al., Johnson et al. and Boesen are made, the combination according to **claim 16**, fails to clearly disclose wherein the said guide groove is disposed in a bent state so that the second member forms an obtuse angle with the first member when the first member and the second member are in an opened state.

Hansen et al. discloses in column 1 lines 30-40 wherein the sliding rails, which reads on claimed "guide groove," is slightly curved, which reads on claimed "bent," substantially the entire length of the said rails.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combination of Tsugane et al., Johnson et al., Boesen in view of Hansen et al. in order to provide a slide mechanism that is slightly curved to contour the user's body when the device in use.

3. **Claims 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Tsugane et al. (U.S. Patent Number 5,657,370) , Johnson et al. (U.S. Patent Application Number 2002/0132633 A1) , Boesen (U.S. Patent Number 6,542,721 B2) in further view of Masuda et al. (U.S. Patent Number 5,335,274).

Regarding **claim 18**, as the combination of Tsugane et al., Johnson et al. and Boesen are made, the combination according to **claim 16**, fails to clearly disclose wherein

said first and second members by lifting a sliding tip end of the receiver slightly during sliding of said receiver when said transmitter and said receiver are in an opened state. Masuda et al. discloses column 5 lines 34-50 and FIGURE 5B wherein first and second members by lifting a sliding tip end of the receiver slightly during sliding of said receiver when said transmitter and said receiver are in an opened state.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combination of Tsugane et al. ,Johnson et al., Boesen in view of Masuda et al. in order to provide a slide mechanism that is slightly curved to contour the user's body when the device in use.

Allowable Subject Matter

4. ***Claims 20-22*** are allowed.

Response to Arguments

Applicant's arguments, see Arguments, filed 7/18/2008, with respect to the Terminal Disclaimer filed have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the above Office action. After further consideration of possible allowance of the amended ***claim 16***, whereby it was suggested by the Examiner to incorporate the language of the objected ***claim 19***, the Examiner concludes that the Applicant's specification and drawings are silent as to the

language of claim 19, i.e. *"...to the second member at a position so that the two pairs of hinge devices overlap each other while the first and second members are closed"*.

Appropriate correction is required.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RANDY PEACHES whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Randy Peaches/
Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617